

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN KELSEY and TIMOTHY WRIGHT,
both individually and on behalf of a class of
others similarly situated,

Plaintiffs,

v.

1:04-CV-0299 (LEK/DRH)

THE COUNTY OF SCHOHARIE, JOHN S.
BATES, JR., both individually and in his official
capacity as Sheriff of the County of Schoharie, and
JIM HAZZARD, both individually and in his capacity
as Administrator of the Schoharie County Jail,

Defendants.

ORDER

This Court has received a Mandate from the Court of Appeals for the Second Circuit in the above captioned matter. Dkt. No. 118. Therein, the Second Circuit reviewed the Court's February 21, 2007 Order (Dkt. No. 82) which granted Plaintiff's Motion to certify class and denied Defendants' Motion for summary judgment. By the Mandate issued January 5, 2009, the Second Circuit vacated the Judgment of this Court and ordered this Court to dismiss the above-captioned action as against both the individual Defendants and the County of Schoharie. See Dkt. No. 118. The Second Circuit also granted Defendants' Application for costs in the amount of \$1,662.60. Id. at 26.

Accordingly, it is hereby

ORDERED, that Defendants Motion for summary judgment (Dkt. No. 47) is **GRANTED**;
and it is further

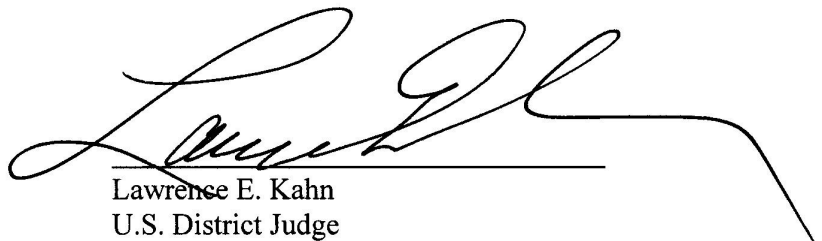
ORDERED, that the above-captioned case is **DISMISSED in its entirety**; and it is further

ORDERED, that Defendant's Application for attorney's fees is **GRANTED**, and
Defendants are awarded \$1,662.60; and it is further

ORDERED, that the Clerk of the Court shall serve a copies of this Order on all parties.

IT IS SO ORDERED.

DATED: October 16, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge